

conducted any independent investigation in this case. Instead, it has requested that Carolina Water Service itself provide the requested information by supplementing its application.

Moreover, Carolina Water Service's suggestion that the Commission's request was an improper response to criticism of the company at public hearings is unwarranted. The Commission has the authority, and the obligation, to determine whether rates are just and reasonable. The Commission is not prohibited from requesting pertinent information which is also of interest to a company's customers, or from taking notice of the customers' concerns when they are voiced under oath and on the record in one of the Commission's public hearings.

Carolina Water Service next argues that it was not given an opportunity to be heard regarding the Commission's motion and request. In fact, Carolina Water Service and the public were given lawful notice that the Commission would take up the case and its request for a new hearing schedule at its meeting of June 27. Neither the Commission's rules, nor the law, require the Commission to give Carolina Water Service or any of the parties advance notice of the text or substance of a Commissioner's motion. In any case, both Carolina Water Service and the Office of Regulatory Staff have now had the opportunity to be heard, as evidenced by the Commission's present consideration of their arguments.

Carolina Water Service argues that it does not have the information requested by the Commission readily available and that it cannot be ordered to compile it. Again, the Commission has not *ordered* Carolina Water Service to compile any information. Carolina Water Service is free to meet its burden of proof and offer persuasive evidence as it sees fit.

Finally, Carolina Water Service also argues that it should not provide any additional information in this matter by amending its application. The Commission did not order Carolina Water Service to amend its application, an act which arguably would trigger new statutory deadlines for this case. Instead, it asked the Company to supplement its application with additional information for the test year in question.

In conclusion, Mr. Chairman I would observe that neither of the parties has argued that the information requested by the Commission is not relevant to this case. I believe the Commission has the right to ask the Company to supplement the application with this information, and therefore I move to deny Carolina Water Service's request for reconsideration.

Mr. Chairman that concludes my motion.

PRESIDING	<u>Mitchell</u>					
	MOTION	YES	NO	OTHER	APPROVED	<input type="checkbox"/>
					APPROVED STC 30 DAYS	<input type="checkbox"/>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED	<input type="checkbox"/>
HAMILTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		AMENDED	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	<input type="checkbox"/>
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CANCELED	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SET FOR HEARING	<input type="checkbox"/>
					ADVISED	<input type="checkbox"/>
Session:	Regular				CARRIED OVER	<input type="checkbox"/>
Time of Session	<u>2:30 PM</u>				RECORDED BY	<u>JBS</u>